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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mosley, et al.

Serial No. 10/541,892

Filed: July 8, 2005

For: PEROXISOME PROLIFERATOR-ACTIVATED  
RECEPTORArt Unit: Not Yet KnownExaminer: Not Yet KnownCommissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Janice P. Rosen Date 9/20/05

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RL/

# INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:


U. S. SERIAL NUMBER	RELATED APPLICATION	
	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Heidi M. Struse

Attorney For Applicant(s)

Reg. No. 50,288

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-0238

Date: September 20, 2005

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RL/

**COMPLETE IF KNOWN**

(use as many sheets as necessary)

1 of 3

<b>Application Number</b>	10/541,892
<b>Filing Date</b>	July 8, 2005
<b>First Named Inventor</b>	Ralph T. Mosley
<b>Group Art Unit</b>	Not Yet Known
<b>Examiner Name</b>	Not Yet Known
<b>Attorney Docket Number</b>	21269P

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	3	WO	2004/067711	A2	Merck & Co., Inc.	08/12/2004
	4	WO	01/30343	A1	Merck & Co., Inc.	05/03/2001
	5	WO	01/17944	A1	Mitsubishi Rayon Co., Ltd.	03/15/2001
	6	WO	02/08188	A1	Merck & Co., Inc.	01/31/2002
	7	WO	02/06432	A1	The Proctor and Gamble Company	01/24/2002

Examiner  
Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not checked is in compliance with MPEP 609. Do not line through checked, not in compliance and not checked. Include copy of this form with next communication to applicant.

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Sheet 2 of 3

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/541,892
<b>Filing Date</b>	July 8, 2005
<b>First Named Inventor</b>	Ralph T. Mosley
<b>Group Art Unit</b>	Not Yet Known
<b>Examiner Name</b>	Not Yet Known
<b>Attorney Docket Number</b>	21269P

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, page(s), volume-issue number(s) and place of publication.
	8	UniProt Primary Accession No. Q67869 (PPAR_HUMAN), "Peroxisome Proliferator Activated Receptor Alpha" (1994)
	9	UniProt Primary Accession No. P37291 (PPAT_HUMAN), "Peroxisome Proliferator Activated Receptor Gamma" (1994)
	10	UniProt Primary Accession No. Q63101 (PPAS_HUMAN), "Peroxisome Proliferator Activated Receptor Delta" (1993)
	11	Berger, J., et al., "The Mechanisms of Action of PPARs", Annual Review of Medicine, Vol. 53, pp. 409-435 (2002)
	12	Aranda, A., et al., "Nuclear Hormone Receptors and Gene Expression", Physiological Reviews, Vol. 81, No. 3, pp. 1269-1304 (2001)
	13	Berger, J., et al., "Physiological and Therapeutic Roles of Peroxisome Proliferator-Activated Receptors", Diabetes Technology and Therapeutics, Vol. 4, No. 2, pp. 163-174 (2002)
	14	Moller, D. E., "New Drug Targets for Type 2 Diabetes and the Metabolic Syndrome", Vol. 414, pp. 821 - 827 (2001)
	15	Xu, H. E., et al., "Molecular Recognition of Fatty Acids by Peroxisome Proliferator-Activated Receptors", Molecular Cell, Vol. 3, pp. 397-403 (1999)
	16	Lehmann, J. M., et al., "An Antidiabetic Thiazolidinedione Is a High Affinity Ligand for Peroxisome Proliferator-activated Receptor $\gamma$ (PPAR $\gamma$ )", The Journal of Biological Chemistry, Vol. 270, No. 22, pp. 12593-12596 (1995)
	17	Berger, J., et al., "Novel Peroxisome Proliferator-activated Receptor (PPAR) $\gamma$ and PPARG Ligands Produce Distinct Biological Effects", The Journal of Biological Chemistry, Vol. 274, No. 10, pp. 6718-6725 (1999)
	18	Schmidt, A., et al., "Transcription Control and Neuronal Differentiation by Agents That Activate the LXR Nuclear Receptor Family", Molecular and Cellular Endocrinology, Vol. 155, pp. 51-60 (1999)
	19	Sher, T., et al., "cDNA Cloning, Chromosomal Mapping, and Functional Characterization of the Human Peroxisome Proliferator Activated Receptor", Biochemistry, Vol. 32, pp. 5598-5604 (1993)
	20	Elbrecht, A., et al., "Molecular Cloning, Expression and Characterization of Human Peroxisome Proliferator Activated Receptors $\gamma$ 1 and $\gamma$ 2", Biochemical and Biophysical Research Communications, Vol. 224, pp. 431-437 (1996)
	21	Schmidt, A., et al., "Identification of a New Member of the Steroid Hormone Receptor Superfamily That Is Activated by a Peroxisome Proliferator and Fatty Acids", Molecular Endocrinology, Vol. 6, No. 4, pp. 1634-1641 (1992)
	22	Elbrecht, A., et al., "L-764406 Is a Partial Agonist of Human Peroxisome Proliferator-activated Receptor $\gamma$ ", The Journal of Biological Chemistry, Vol. 274, No. 12, pp. 7913-7922 (1999)

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, with check box not checked if in compliance with MPEP 609. Do not line through checked, not in compliance and not considered. Includes copy of this form with next communication to applicant.

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